

107TH CONGRESS
2D SESSION

H. R. 3880

To provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 6, 2002

Mr. FOSSELLA (for himself, Mr. TOWNS, Mr. MEEKS of New York, Mr. GRUCCI, Mrs. KELLY, Mr. OWENS, Mr. RANGEL, Mr. QUINN, Mr. GILMAN, Mrs. MCCARTHY of New York, Mr. KING, Mr. ENGEL, and Mr. ACKERMAN) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. CLEAN AIR TRANSPORTATION CONFORMITY;**
2 **TEMPORARY WAIVER FOR NEW YORK AREAS.**

3 (a) TEMPORARY WAIVER.—Notwithstanding any
4 other provision of law, until September 30, 2005, the pro-
5 visions of section 176(c) of the Clean Air Act, and the
6 regulations promulgated thereunder, shall not apply to
7 transportation projects, programs, and plans for the coun-
8 ties of New York, Queens, Kings, Bronx, Richmond, Nas-
9 sau, Suffolk, Westchester, Rockland, Putnam or to the
10 towns of Blooming Grove, Chester, Highlands, Monroe,
11 Tuxedo, Warwick, and Woodbury in Orange County, New
12 York. The preceding sentence shall not apply to the regu-
13 lations under section 176(c)(4)(B)(i) of such Act relating
14 to Federal and State interagency consultation procedures.

15 (b) INTERIM PROGRESS REPORT.—Not later than
16 January 1, 2004, the Governor of New York shall submit
17 to the Committees on Energy and Commerce and Trans-
18 portation and Infrastructure of the United States House
19 of Representatives and to the Committee on Environment
20 and Public Works of the United States Senate a report
21 regarding the status of the State's progress towards
22 achieving compliance with the provisions of law and regu-
23 lation subject to the temporary waiver provided by sub-
24 section (a). Such report shall explain in detail the steps
25 that the State has taken towards achieving such compli-
26 ance and identify the necessary steps that remain to be

1 taken by September 30, 2005, in order for the transpor-
2 tation projects, programs, and plans for the counties re-
3 ferred to in subsection (a) to be in compliance with the
4 provisions of section 176(c) of the Clean Air Act, and the
5 regulations promulgated thereunder, by September 30,
6 2005. The report shall also include a regional emissions
7 analysis generally consistent with the requirements of 40
8 CFR 93.122, together with the relevant air quality data.

9 **SEC. 2. METROPOLITAN PLANNING REQUIREMENTS; TEM-**
10 **PORARY WAIVER FOR NEW YORK AREAS.**

11 Notwithstanding any other provision of law, until
12 September 30, 2005, the provisions of sections
13 134(h)(1)(D), 134(i)(3), 134(i)(5), and 134(l)(1) of title
14 23 of the United States Code and sections 5304(a)(1),
15 5305(c), and 5305(e)(1) of title 49 of the United States
16 Code and the regulations promulgated thereunder, shall
17 not apply to the New York Metropolitan Transportation
18 Council or to the Metropolitan Planning Organization des-
19 ignated under section 134(b) of title 23 of the United
20 States Code.

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